

**Congress of the United States**  
Washington, DC 20515

May 3, 2007

The Honorable Kevin Martin,  
Chairman  
Federal Communications Commission  
445 12<sup>th</sup> Street, SW  
Washington, D.C. 20554

Re: Emergency Petition for Waiver of 47 C.F.R. § 76.1204(a)(1) of the City of Tacoma,  
dba/Click! Network

Dear Chairman Martin:

We are writing to ask that you give full consideration to Click! Network's above referenced petition for waiver, which if granted, would allow them to continue deploying low-cost digital boxes to their customers, our constituents.

As we work toward the common goal of deploying broadband to communities nationwide, we need to be mindful of the challenges faced by those who are working to deliver these services every day. As you know, the capital expense to upgrade networks and prepare for the digital transition is significant, and we must work to create incentives for such investment.

It is a priority for us to ensure that our constituents are able to purchase, at a reasonable price, the latest in television technology and experience the benefit of the DTV transition. Advanced digital services, including the ability to view HDTV and have access to an enhanced program guide, digital music, and video-on-demand, are new and exciting technologies that our constituents may currently receive with a low-cost set-top digital box.

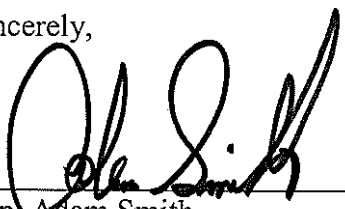
It is our understanding that in 1998 the FCC promulgated rules under Section 629 of the Telecommunications Act of 1996 requiring the Commission to promote the availability of third-party set-top boxes and other consumer equipment for use in cable systems. In promulgating these rules, the FCC ruled that cable operators could no longer deploy new digital set-top boxes without CableCARDs after July 1, 2007. We are concerned that implementing this rule will be an added expense for companies like Click! Network who will only use the required CableCARD-compatible set top boxes for less than a year until the more advanced and economical downloadable security comes out. Our constituents who receive or want digital services will be forced to pay over \$150 more for the interim technology CableCARD-compatible set-top boxes, while receiving no additional services or benefit. In fact, these constituents will receive less for their money because CableCARD technology is not compatible

with any of the popular two-way functions like video-on-demand, HDTV or interactive guides, which are already available with today's low-cost digital set top boxes.

Again, we encourage you to closely review and give full consideration of the requested waiver submitted by Click! Network.

Thank you in advance for your consideration

Sincerely,

  
Rep. Adam Smith  
Rep. Norm Dicks